IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 13532 of 2005

Between:

Galla Koteswara Rao, S/o. Late Eswar Rao,
R/o. D.No. 36-92-411/1, Indiranagar-I, Burma Camp Junction, Kancharapalem,
Visakhapatnam Town & Dist.

..... PETITIONER

AND

1 The Deputy Chairman & Appellate Authority, Port Trust, Visakhapatnam.
2 The Chief Mechanial Engineer, Port Trust, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in rejecting the application of the petitioner for compassionate appointment for a suitable post in Port Trust, Visakhapatnam as illegal and arbitrary and consequently direct the respondents herein to provide a suitable job to the petitioner on compassionate grounds in the respondent Port Trust treating the petitioner's father's death as "while in Service".

Counsel for the Petitioner: MR.T.BHEEMSEN & T.V.PRANAI KUMAR

Counsel for the Respondents: MR.A.KRISHNAM RAJ

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner alleging that the respondents decline to provide appointment on compassionate grounds in the second respondent-Organisation though his father died while he was in service.

According to the petitioner, his father was appointed as a (M.V.) Grade-I in Ore Handling Complex, Mechanical Department in Port Trust, Visakhapatnam and worked under the control of the second respondent till 1996. The petitioner's father was suspended w.e.f. 14.12.1996 on the allegation that the petitioner's father produced a false caste certificate at the time of his appointment claiming that he belongs to the caste of "Mala", a scheduled caste, even though he belongs to "Kapu" community. Therefore, prosecution was launched against the petitioner's father by registering a Criminal Case vide C.C.No.160 of 1997, in which the petitioner's father was convicted by judgment dated 20.09.2000. However, it is stated that the petitioner's father filed Criminal Appeal No.105 of 2000 on the file of the court of the I Additional Metropolitan Sessions Judge, Visakhapatnam. During the pendency of said appeal, the second respondent by proceedings dated 14.11.2000 passed orders of removal of the petitioner's father from service. It is further stated that the petitioner's father died on

14.11.2001 while the appeal field by him was subsisting and later the criminal appeal was closed as abated. Now, the petitioner has come up with the present writ petition claiming that he is entitled for appointment on compassionate grounds.

From the above stated facts, it is clear that the petitioner's father was not in service at the time of his death. When once the petitioner's father was removed from service before his death and that order has become final, the petitioner is not entitled to claim any appointment on the premise that the petitioner's father died as if he was in service on the date of his death. Therefore, he is not entitled for appointment on compassionate grounds.

The claim made by the petitioner is clearly misconceived and accordingly the writ petition is dismissed as devoid of merit. No costs.

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24.06.2005

VGB

To

1 The Deputy Chairman & Appellate Authority, Port Trust, Visakhapatnam.

2 The Chief Mechanial Engineer, Port Trust, Visakhapatnam.

3 2CD copies.